THE OFFICE ACTION

In the Office Action issued on August 8, 2005, the Examiner rejected claim 20 under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 3,317,540 to Wakeman, DE 197 12 565, DE 41 37 544 to Harwardt et al, and WO 91/07876 to Vandevelde et al. The Examiner also rejected Claims 1-6, 9-13, and 17 under 35 U.S.C. §103(a) as being unpatentable over Wakeman. The Examiner further rejected claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Vandevelde or Harwardt.

REMARKS

Applicants have carefully considered the Office Action issued on August 8, 2005. Applicants respectfully request reconsideration of the application in light of the cancellation of claim 20.

Claim 20 has been canceled. Withdrawal of the §102 rejections is thereby respectfully requested.

In addition, the Applicants respectfully submit that the present claims are not rendered obvious by the cited references. This is discussed in detail below for each reference.

Wakeman is directed to microbiologically active compounds, formed by the reaction of certain quaternary ammonium hydroxides or salts with arylsulfonamides or their alkali-metal salts (see column 1, lines 11 to 14). As typical arylsulfonamides employed in these reactions, numerous compounds are mentioned in column 1, lines 29 to 39. The quaternary ammonium compounds, useful as reaction partners for the arylsulfonamides, are defined as follows:

In general, the quaternary ammonium compounds useful in this invention are the higher alkyl quaternary ammonium hydroxides, halides (chlorides and bromides), sulfates, methosulfates and the like [...], where R is an alkyl or alkaralkyl radical containing from 8 to 22 carbon atoms or an alkyl phenoxy ethoxy ethyl radical in which R is an alkyl radical containing from 8 to 9 carbon atoms... (see column 1, line-64 to column 2, line 4).

None of these quaternary ammonium compounds are tosylchloramide. Consequently, Wakeman by no means discloses a pharmaceutical use of tosylchloramide, because the chemical compounds disclosed in Wakeman are not tosylchloramide.

Further, Wakeman does not disclose a method for treating diseases of the skin selected from psoriasis, neurodermitis, shingles, aphthae, lip rhagade, stomatitis, herpetica, vessels with watery liquid, and diseases of the skin and mucous membrane caused by herpes simplex virae using any of the reaction products claimed in the present application.

The useful applications for the reaction products disclosed in Wakeman as mildewproofing, odor preservative, topical antiseptics and disinfection agents, and the like (see column 3, line 39 to column 4, line 15).

However, the skilled artisan colid not expect that a chemical agent useful as disinfectant would be useful as a pharmaceutical for treating diseases of the skin. There are many chemical disinfectants, which do not have appropriate pharmaceutical properties. Furthermore, the skilled artisan could not have received from the overall disclosure of Wakeman any incentive to consider a pharmaceutical activity useful for the treatment of skin diseases using the compounds disclosed therein.

In summary, Wakeman cannot render obvious the subject-matter according to claim 1 of the present invention because the compounds disclosed as microbiologically active compounds are different from tosylchloramide as required in the method according to claim 1 of the present invention. Furthermore, the compounds disclosed in Wakeman are disclosed as microbiologically active disinfectants and there is no hint whatsoever in this document that tosylchloramide could be useful in a method for the treatment of diseases of the skin selected as described in claim 1 of the present invention.

Vandevelde is directed to an agent which acts against retrovirus group viruses, in particular Human Immunodeficiency Virus (HIV), on and/or in inanimate objects, said agent consisting of a chlorinated organic compound which stably and lastingly releases chlorine when in solution, a composition for disinfecting inanimate objects containing at least one of the above-mentioned agents, and the use of such an agent or composition to disinfect inanimate objects, are described, as well as the use of at least one chlorinated organic compound which stably and lastingly released available chlorine when in solution in order to prepare a therapeutic composition which acts against said retrovirus group viruses (see abstract).

Consequently, Vandevelde is explicitly restricted to the use of chlorinated organic

compounds, which stably and lastingly release chlorine, against retrovirus group viruses, in particular Human Immunodeficiency Virus (HIV). In contrast, the use against retrovirus diseases is specifically disclaimed in the subject-matter of claim 1 according to the present invention. Despite the Examiner's assertion to the contrary, the fact that the compounds of Vandevelde are useful against retroviruses does not suggest that they would be useful in the treatment of the skin conditions recited in claim 1. Many, many compounds are used to specifically treat singular conditions. There is simply no suggestion for using the compounds of Vandevelde in the treatment of the recited diseases. Thus, the subject-matter of claim 1 according to the present invention is not rendered obvious by the disclosure of Vandevelde.

Further, Vandevelde is clearly directed to the disinfection of inanimate objects (see abstract and claim 1). The specific teaching of Vandevelde is the disinfection of inanimate objects against retrovirus group viruses (in particular Human Immunodeficiency Virus [HIV)). Therefore the skilled artisan would not have received any incentives from the disclosure of Vandevelde to consider the use of tosylchloramide and/or tosylchloramide salts for the manufacture of medicaments to treat diseases of the skin, mucous membranes, organs or tissues, except for treatment of retroviral diseases and disinfection. That is, just because a compound is useful for the disinfection of inanimate objects does not necessarily mean that the compound would be useful could even be used on the skin for treatment of the diseases thereof. Consequently, the subject-matter according to claim 1 of the present invention is also inventive over Vandevelde.

DE 41 37 544 (Harwardt) is directed to an antimicrobial combination on the basis of compounds, which are able to split off oxygen. The basis of Harwardt is that a special combination of chemical compounds as disinfectant is obtained which is highly active as disinfectant at the same time well tolerated on the skin. Harwardt does by no means disclose a method of treating diseases of the skin. There are many disinfectants which at the same time not useful in methods of treating diseases of the skin and therefore, the skilled artisan when reading the disclosure of Harwardt would not receive any incentive to think along these lines. Therefore, the subject-matter of claim 1 of the present invention is non-obvious over Harwardt.

For the reasons indicated above, the subject-matter of the present claims are non-

obvious over the cited references.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-19) are now in condition for allowance.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

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Date

Joseph E. Waters, Reg. No. 50,427
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

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